

MINUTES OF THE REGULAR CITY COUNCIL MEETING
CITY OF BEE CAVE
JULY 26, 2011

STATE OF TEXAS §

COUNTY OF TRAVIS §

Present:

Caroline Murphy, Mayor
Chad Bockius, Council Member
Bill Goodwin, Council Member
Jack McCool, Mayor Pro Tem
Mike Murphy, Council Member

Absent:

Bob Dorsett, Jr., Council Member

City Staff:

Frank Salvato, City Administrator
Travis Askey, Deputy City Administrator
Patty Akers, City Attorney
Kaylynn Holloway, City Secretary
Russell Pancoast, Police Chief
Amy Kelley, Systems Administrator

Call to Order and Announce a Quorum is Present

With a quorum present, the Regular Meeting of the Bee Cave City Council was called to order by Mayor Murphy at 6:00 p.m. on Tuesday, July 26, 2011 in the Council Chambers of the City of Bee Cave City Hall, 4000 Galleria Parkway, Bee Cave, Texas.

Pledge of Allegiance

Citizen Comments

There were not any comments at this time.

Consent Agenda:

- A. Consider approval of minutes of the Regular meeting conducted on July 12, 2011.
- B. Consider approval of Resolution No. 2011-04, a Resolution supporting the Stiletto Stampede for the Cure benefitting the Austin Affiliate Susan G. Komen for the Cure to be held on October 22, 2011.
- C. Discuss and consider action on the monthly financial and investment report.

Council Member Murphy stated that he had some comments on the investment report and requested that it be removed from the consent agenda.

MOTION: A motion was made by Council Member Goodwin, seconded by Mayor Pro Tem McCool, to approve Items A & B on the consent agenda as presented.

The vote was taken on the motion with the following result:

Voting Aye: Mayor Pro Tem McCool, Council Members Bockius,
Goodwin and Murphy
Voting Nay: None
Absent: Council Member Dorsett

The motion carried.

Discuss and consider action on the monthly financial and investment report.

Council Member Murphy commented on the low amount of interest earned on the City's investments.

MOTION: A motion was made by Mayor Pro Tem McCool, seconded by Council Member Goodwin, to approve the monthly financial and investment report as presented.

The vote was taken on the motion with the following result:

Voting Aye: Mayor Pro Tem McCool, Council Members Bockius,
Goodwin and Murphy
Voting Nay: None
Absent: Council Member Dorsett

The motion carried.

Public hearing, discussion and possible action on Ordinance No. 95, an ordinance approving a Conditional Use Permit application by Connoisseur Encounters to allow alcoholic beverage sales within a Planned Development District – Retail, located at 12101 Bee Caves Road, Suite 5D.

Mayor Murphy opened the public hearing at 6:04 for public testimony.

There being no person wishing to comment on this item, Mayor Murphy closed the public hearing at 6:05 p.m.

City Administrator Frank Salvato reported on this item. He stated that the applicant is asking to have alcohol beverage sales within the Planned Development District. They are required to have public hearings before the conditional use permit can be approved.

Matthew Booker, General Manager of Connoisseur Encounters, stated that the company sells low yield boutique wines and that they are not a bar or liquor store.

MOTION: A motion was made by Council Member Murphy, seconded by Council Member Goodwin, to adopt Ordinance No. 95 approving the Conditional Use Permit for Connoisseur Encounters.

The vote was taken on the motion with the following result:

Voting Aye:	Mayor Pro Tem McCool, Council Members Bockius, Goodwin and Murphy
Voting Nay:	None
Absent:	Council Member Dorsett

The motion carried.

Discuss and consider action on the site plan amendment for Falconhead West retaining walls Phase I, Section 2 and Phase II, 4th construction phase.

MOTION: A motion was made by Council Member Murphy, seconded by Council Member Goodwin, to approve the site plan amendment for Falconhead West Phase I, Section 2, Phase II, 4th construction phase.

The vote was taken on the motion with the following result:

Voting Aye:	Mayor Pro Tem McCool, Council Members Bockius, Goodwin and Murphy
Voting Nay:	None
Absent:	Council Member Dorsett

The motion carried.

Discussion and presentation by the Masonwood Community Developers regarding the proposed development of a portion of the Grumbles tract on Highway 71 West (located in the City's Extraterritorial Jurisdiction) including a preliminary site plan and draft development agreement.

Jim Meredith, with Meredith Holdings, Ltd., spoke to the Council regarding possible development of two tracts of the Grumbles properties (153.04 acres) on Highway 71 West. He stated that they drafted a development agreement that includes a development plan, creation of a Municipal Utility District (MUD) within the Extra-Territorial Jurisdiction and extension of Vail Divide. The Master planned community would include three components with a commercial tract, multi-family and single-family tract. The Commercial tract could possibly include an auto dealer, auto repair and restaurants.

City Attorney Patty Akers commented that since the property is in the City's ETJ, the City does not have zoning authority and can only enforce the subdivision, signage and NPS ordinances.

Mara Eurich, 20314 Hamilton Pool Road, spoke in opposition of the project.

Ann Molineu, 13714 Overland, opposed the projected as presented.

Nell Penridge, Hamilton Pool Road, opposed the project and expressed concern over the impact to Little Barton Creek.

The City Council asked numerous questions about the proposed development. They provided feedback and agreed that the project was too dense as presented.

This item will be presented at a meeting in the future.

Discuss and consider action on bids received for the construction of Bee Cave Parkway Phase IIIB including award of contract to Ranger Excavating, LP in the amount of \$2,899,999.99.

Casey Sledge, of Sledge Engineering, reported on this item.

MOTION: A motion was made by Council Member Murphy, seconded by Council Member Goodwin, to approve the award of bid to Ranger Excavating, LP in the amount of \$2,899,999.99.

The vote was taken on the motion with the following result:

Voting Aye: Mayor Pro Tem McCool, Council Members Bockius,
Goodwin and Murphy
Voting Nay: None
Absent: Council Member Dorsett

The motion carried.

Discuss and consider action on a proposal from Fugro Consultants, Inc. for construction materials testing services for Bee Cave Parkway, Phase IIIB.

Mr. Sledge presented this item.

MOTION: A motion was made by Council Member Goodwin, seconded by Council Member Bockius, to approve the proposal from Fugro Consultants Inc. for construction materials testing services for Bee Cave Parkway, Phase IIIB.

The vote was taken on the motion with the following result:

Voting Aye: Mayor Pro Tem McCool, Council Members Bockius,
Goodwin and Murphy
Voting Nay: None
Absent: Council Member Dorsett

The motion carried.

Discussion of preliminary budget for fiscal year 2011-2012.

Deputy City Administrator Travis Askey presented a preliminary budget forecast of revenue and expense for the FY 2011-2012 budget.

This item will be placed on future agendas for continued discussion.

Executive Session

The City Council closed the Open Session at 7:57 p.m. to convene in Executive Session in the Conference Room.

At this point in the meeting, Mayor Murphy publicly announced that a closed, executive session would be held and identified the sections of the Open Meeting Law under which the meeting would be held.

Executive session in accordance with the Texas Government Code, Section 551-072 – Deliberation regarding Real Property; and Section 551.071 – Consultation with Attorney in which the Attorney has a duty to the City under the Texas Disciplinary Rules of

Professional Conduct that clearly conflicts with the provisions of the Open Meetings Law.

- A. LCRA Rate Case litigation
- B. Consultation with Attorney regarding acquisition of LCRA water/wastewater systems, to include possible condemnation of the West Travis County systems.
- C. Consultation with Attorney regarding authority of city to enforce building, sign and development ordinances and possible litigation with business desiring to open adult novelty store.

The City Council closed the Executive Session at 9:07 p.m. and reconvened in Regular Session in the Council Chambers.

Adjournment

MOTION: A motion was made by Council Member Goodwin, seconded by Mayor Pro Tem McCool, to adjourn.

The vote was taken on the motion with the following result:

Voting Aye:	Mayor Pro Tem McCool, Council Members Bockius, Goodwin and Murphy
Voting Nay:	None
Absent:	Council Member Dorsett

The motion carried.

The City Council adjourned the Regular Session at 9:07 p.m.

PASSED AND APPROVED this 9th day of August, 2011.

Caroline Murphy, Mayor

ATTEST:

Kaylynn Holloway, City Secretary

[SEAL]